

1971 Bill 87

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Fourth Session, 16th Legislature, 20 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 87**

**An Act to amend The Public Service Vehicles Act**

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THE MINISTER OF HIGHWAYS AND TRANSPORT

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 87

1971

## AN ACT TO AMEND THE PUBLIC SERVICE VEHICLES ACT

(Assented to \_\_\_\_\_, 1971)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Public Service Vehicles Act is hereby amended.*

2. *Section 2, clause 20 is amended by adding the word "and" at the end of subclause (ii) and by adding the following subclause after subclause (ii):*

(iii) includes a trailer as defined by The Highway Traffic Act.

3. *Section 35, subsection (2) is amended by adding the word "or" at the end of clause (b) and by adding the following clause after clause (b):*

(c) when the body of the truck either consists of or is equipped with a structure designed or intended to be used as a dwelling place, living abode or sleeping place and the truck is used for personal transportation of the owner or operator and his household and is intended for the use and enjoyment of himself or his household and not for use in any business.

4. *The following section is added after section 55:*

**55.1** Every shipper or consignee shipping freight by a public service or commercial vehicle shall permit inspection during business hours by the Board or an appointed representative thereof, of his books, accounts and other records pertaining to the shipping and the freight.

5. *Section 65 is amended*

(a) *as to subsection (6), clause (a) by striking out subclauses (i), (ii) and (iii) and by substituting the following:*

(i) to a fine of not less than \$50 and not more than \$100 for the first offence,

## Explanatory Notes

1. This Bill amends chapter 300 of the Revised Statutes of Alberta 1970.

2. The definition of "trailer" is amended to include a "trailer" as defined in The Highway Traffic Act.

3. Section 35, subsection (2) presently reads:

- (2) No person shall ride or permit a passenger to ride in the body of a truck in which cargo is being carried, except
  - (a) in cases of emergency, or
  - (b) with the permission in writing of the Board.

4. Inspection of freight records of shippers and consignees.

5. Section 65, subsection (6), clause (a) and subsection (7) presently read:

- (6) Any person who violates any provision of this Act in respect of maximum weight or any regulation in respect thereof is guilty of an offence and liable on summary conviction,
  - (a) if the lawful maximum weight of the vehicle and load in respect of which the offence was committed is less than 20,000 pounds,
    - (i) to a fine of not less than \$20 nor more than \$50 for a first offence,
    - (ii) to a fine of not less than \$50 nor more than \$100 for a second offence, and
    - (iii) to a fine of not less than \$100 nor more than \$200 or to have his licence suspended, for a third or subsequent offence,
- (7) A person who contravenes any provision of this Act or any regulation in respect of the maximum weight that may be borne by an axle or an axle group of a vehicle is guilty of an offence and liable on summary conviction to a fine.

- (ii) to a fine of not less than \$100 and not more than \$200 for a second offence, and
- (iii) to a fine of not less than \$200 and not more than \$300, or to have his licence suspended, for a third or subsequent offence,
- (b) *as to subsection (7) by striking out the words "or any regulation" and by substituting the words "or the regulations or orders made under this Act",*
- (c) *by adding after subsection (8) the following subsection:*

(9) Where a person violates or contravenes any provision of this Act with respect to the transportation of a piece of equipment or a machine on a highway for which a permit for an overload is required, the shipper and the carrier shall for the purposes of subsection (6) or subsection (7) be deemed to be jointly and severally responsible for the violation or contravention unless the shipper or the carrier, as the case may be, produces evidence to show that he did not violate or contravene the provision.

*6. The following section is added after section 66:*

**66.1** (1) In a prosecution under this Act or the regulations or orders made under this Act, a certificate purporting to be issued and signed by an inspector under the Weights and Measures Act (Canada) and bearing the date either not later than one year before or within one year after the date of the offence charged, shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or appointment of the person signing the certificate.

(2) Notwithstanding subsection (1), in a prosecution under this Act or the regulations or orders made under this Act, a certificate purportedly signed by a peace officer or a person appointed by the Board for the purpose stating

- (a) the gross weight of the vehicle and its load,
- (b) that he determined the gross weight transferred to the road through any point or points of contact of the vehicle with the road, and
- (c) that the operator of the vehicle agreed to accept the weight determined as being acceptably accurate

shall be admitted in evidence as prima facie proof of the weight of the vehicle and its load, without proof of the signature or appointment of the person signing the certificate.

(3) Where a vehicle and its load is weighed by a person who may give a certificate under subsection (2), the peace officer or person appointed by the Board shall advise

**6.** A new section is added to allow prosecutions for weights obtained from portable scales.

the person in charge of the vehicle that he has the right to take the vehicle and its load forthwith to a weigh scale capable of weighing the vehicle and its load, certified by an inspector within the meaning of the Weights and Measures Act (Canada).

(4) The person in charge of the vehicle shall take such steps as he considers necessary to ensure that no alteration in the weight of the vehicle or its load occurs in transit to a weighing machine.

(5) Where the vehicle is taken to a weigh scale pursuant to subsections (3) and (4), the certificate signed pursuant to subsection (2) is not prima facie proof of the weight of the vehicle except where any decrease in the weight of the load occurs in transit to the weigh scale.

*7. The following section is added after section 67:*

**67.1** No driver or operator of a public service or commercial vehicle shall dump or unload or permit any other person to dump or unload, all or part of the freight he is carrying

(a) on any highway, or

(b) at any weigh scale site,

unless the dumping or unloading is authorized by a person appointed by the Board or a peace officer.

*8. This Act comes into force on the day upon which it is assented to.*

**7. Dumping and unloading on highways and weigh scale sites prohibited.**